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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,508	08/28/2001	Yenny Virginia Rojas	00-340	6822

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GREGORY P. LAPOINTE
BACHMAN & LaPOINTE, P.C.
Suite 1201
900 Chapel Street
New Haven, CT 06510-2802

EXAMINER	
TUCKER, PHILIP C	
ART UNIT	PAPER NUMBER
1712	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

MK-4

Office Action Summary	Application No. 941508	Applicant(s) ROJAS
	Examiner P. TUCKER	Group Art Unit 1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P ri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disp sition of Claims

☒ Claim(s) 1 – 21 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 – 21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 3

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Acti n Summary

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: in claim 3 "carboximethyl", should be "carboxymethyl". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 10, 12, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, only the first cited compound is an ethoxylated ether sulfate.

In claim 10, it is not clear what is meant by the term acetate chloride, since both are possible negative anions of a salt, but are not a salt.

In claim 12, there is no antecedent basis for "said salt" therein or in parent claim 6.

In claim 15, viscosities cannot be measured in ppg.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-3, 5, 7-9, 13-15 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider (3313362).

Schneider teaches a foamed drilling fluid which comprises a polysaccharide such as guar, water comprising a salt and a surfactant, such as an alkyl ethoxy sulfate (see examples and claims). Such fluid would inherently possess a half life and stability within the scope of the present invention.

6. Claims 1, 7-10, 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Williamson (5821203).

Williamson teaches a foamed drilling fluid which comprises a polysaccharide, such as a potato starch, a foaming surfactant, and an aqueous medium, such as tap water. Tap water would contain some amount of sodium chloride (see examples). Williamson tests some of the foamed drilling fluids using a foam quality of 65%, but does not specify values for 80-95% as in claim 16. To the extent that the foamed drilling fluid of Williamson would achieve the specified viscosity taught in claim 16 at foam qualities between, 80 and 95%, claim 16 is anticipated.

7. Claims 1, 5, 6, 8-11, 13-15 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Totten et al (5716910).

Totten teaches a foamed drilling fluid which comprises surfactants within the scope of the present invention, sea water, which would include sodium chloride and potassium chloride, and a polysaccharide, such as a cellulose (See examples and Tables).

8. Claims 1, 5, 6, 8-10, 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Pyle et al. (4088583).

Pyle teaches a foamed drilling fluid which comprises a surfactant within the scope of the present invention, an aqueous phase comprising salt, and a polysaccharide, such as a cellulose (see example and column 3, lines 44-57). Such fluid would inherently possess a half life and stability within the scope of the present invention. Pyle teaches foam qualities at levels of 90 to

99.5% (claim 1). To the extent that the foamed drilling fluid of Pyle would achieve the specified viscosity taught in claim 16 at foam qualities between, 90 and 95%, claim 16 is anticipated.

9. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Pakulski (5360558).

Pakulski teaches a foamed wellbore fluid which comprises a guar polymer, which may be hydroxypropyl guar, a surfactant, such as sodium alpha-olefin sulfonate, and an aqueous phase which comprises potassium chloride (see claims 9 and 10, column 4, lines 24-27 and column 4, line 64 - column 5, line 7). Pakulski teaches foam qualities at levels of 50 to 90% (claim 9). To the extent that the foamed drilling fluid of Pakulski would achieve the specified viscosity taught in claim 16 at foam qualities between, 50 and 90%, claim 16 is anticipated. Applicants intended use as a drilling fluid does not distinguish over the prior art (In re Pearson 181 USPQ 641).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The **after final** fax no. Is 703-872-9311.

PCT-2751
March 3, 2003

PHILIP C. TUCKER
ART UNIT 1712